





EFFECTIVE BEGIN DATE: 07-01-2006 EXPIRATION DATE: 06-30-2007 PAGE: 1 of 4

EXT:

BUYER: JEANETTE CHUPP

Jeanette.Chupp@iowa.gov

515-281-6288

FOB

PAYMENT TERMS (%): DAYS:

VENDOR:

NATIONAL ORG SERVICE & Black Magazine Agency 4515 Fleur Dr Ste 301 Des Moines, IA 50321-2369 USA **VENDOR CONTACT:**

Jodi Oltrogge

PHONE: 515-256-8030

EMAIL: kaunb@transedge.com

VENDOR #: 42095672400

DESCRIPTION OF ITEMS CONTRACTED

Subscriptoins for Magazines

Magazine Subscriptions per RFP 0706005023, which includes:

- New, renewal and transfer subscriptions processed and placed with publisher within 14 calendar days.
- Free replacement issues as they are available from in-house supply. (Publisher shall also be contacted to supply replacement issues).
- Governmental Purchase orders and paper checks will be accepted. Payment shall also be accepted by Mastercard, Visa or Discover Credit Cards.
- Claim Forms for resolution of complaints shall be supplied at no-charge and shall be acknowledged within 5-days and resolved within 60-days.
- Subscriptions to each ordering address shall be accumulated and invoiced on a MONTHLY basis or invoiced per order if requested.
- Reports available at no-charge include merges, name changes, discontinued titles, suspended titles, titles which resumed publication and titles behind in publication.
- Refund Policy: Full refund is available in the event of Vendor error, or when issued by the publisher (in the event of publisher error), in the form of a check or credit.
- Contract available to state agencies/departments and political sub-divisions
- Each invoice/claim/order shall indicate if the title is behind in schedule and the ordering facility's publishers account number (that appears on mailing labels)

Customer Service: Tammy Phillips E-Mail Address: nosil@transedge.com

Web-SIte: www.nationalorganizationservice.com

Phone: 800-747-3032 or 515-256-8030

FAX: 515-256-8028

RENEWAL PERIODS

FROM 07-01-2007 TO 06-30-2012

THRESHOLDS

MINIMUM ORDER AMOUNT: MAXIMUM ORDER AMOUNT: NOT TO EXCEED AMOUNT:

AUTHORIZED DEPARTMENT

ALL

	TOTAL	\$0.00			
VENDOR:	THIS MA IS SUBJECT TO THE TERMS A CONDITIONS ATTACHED HERETO.				
APPROVED BY:	PLEASE SEE ATTACHMENTS FOR FURTHER DESCRIPTIONS.				



STATE OF IOWA MASTER AGREEMENT

Fields of Opportunities

EFFECTIVE BEGIN DATE: 07-01-2006 EXPIRATION DATE: 06-30-2007 PAGE: 2 of 4

LINE NO.	QUANTITY / SERVICE DATES UNIT	COMMODITY / DESCRIPTION	UNIT COST / PRICE OF SERVICE
1	0.00000	95640	\$0.00000
			\$0.00000
		Magazine Subscriptions	
		"SECONDARY CONTRACT" at 15% discount from the 246-Page NOS Pri List dated 5/16/2006 (excluding titles designated with "N"). This includes the following categories: - Popular Magazines - Puzzles and Games - Government and Miliary - Health and Fitness - Religious and Spiritual - Science and Nature - Publications in Spanish	ce
2	0.00000	95640	\$0.00000
			\$0.00000
		Magazine Subscriptions	
		. "PRIMARY CONTRACT" at 15% discount from the 246-Page NOS Price List dated 5/16/2006 (excluding titles designated with "N"). This includes the following categories: - Trade and Professional Journals - Newspapers	



Fields of Opportunities

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TERMS AND CONDITIONS

Incorporation

The Request for Proposal and/or bid documents for this project and the vendor's proposal in response to the RFP or Bid together with any clarifications, attachments, appendices, or amendments of the State or the Vendor are incorporated into this Contract by reference as if fully set forth in this Contract.

Remedies upon Default

In any case where the vendor has failed to deliver or has delivered non-conforming goods and/or services, the State shall provide a cure notice. The notice to cure shall state the maximum length of time the vendor has to cure. If after the time period stated in the notice to cure has passed, the vendor continues to be in default, the State may procure goods and/or services in substitution from another source and charge the difference between the contracted price and the market price to the defaulting vendor. The State's Attorney General shall be requested to make collection from the defaulting vendor.

Force Majeure

Force majeure includes acts of God, war, civil disturbance and any other causes which are beyond the control and anticipation of the party affected and which, by the exercise of reasonable diligence, the party was unable to anticipate or prevent. These provisions of force majeure also apply to subcontractors or suppliers of the Vendor. Force majeure does not include financial difficulties of the Vendor or any associated company of the Vendor, or claims or court orders that restrict the Vendor's ability to deliver the goods or services contemplated by this Agreement. Neither the Vendor nor the State shall be liable to the other for any delay or failure of performance of this Agreement caused by a force majeure, and not as a result of the fault or negligence of a party.

Subcontractors

The successful vendor shall be responsible for all acts and performance of any subcontractor or secondary supplier that the successful vendor may engage for the completion of any contract with the State. A delay that results from a subcontractor's conduct, negligence or failure to perform shall not exempt the vendor from default remedies. The successful vendor shall be responsible for payment to all subcontractors and all other third parties.

Termination-Non-Appropriation

Notwithstanding any other provision of this contract, if funds anticipated for the continued fulfillment of this contract are at any time not forthcoming or insufficient, either through the failure of the State to appropriate funds, discontinuance or material alteration of the program for which funds were provided, then the State shall have the right to terminate this contract without penalty by giving not less than thirty (30) days written notice documenting the lack of funding, discontinuance or program alteration.

Immunity of State/Fed Agencies

The vendor shall defend and hold harmless the State and Federal funding source for the State of Iowa from liability arising from the vendor's performance of this contract and the vendor's activities with subcontracted and all other third parties.

Assignment

Vendors may not assign contracts or purchase orders to any party (including financial institutions) without written permission of the General Services Enterprise - Purchasing.

Anti-Trust Assignment

For good cause and as consideration for executing this purchase order, the vendor, through its duly authorized agent, conveys, sells, assigns, and transfers to the State of Iowa all rights, title and interest in and to all causes of action it may now or hereafter acquire under the anti-trust laws of the United States and the State of Iowa, relating to the particular goods or services purchased or acquired by the State of Iowa pursuant to the using State of Iowa agency.

Delivery and Acceptance

When an award has been made to a vendor and the purchase order issued, deliveries are to be made in the following manner.

- A. Deliveries All deliveries are to be made only to the point specified on the purchase order. If delivery is made to any other point, it shall be the responsibility of the vendor to promptly reship to the correct location. Failure to deliver procured goods on time may result in cancellation of an order or termination of a contract at the option of the State.
- B. Delivery Charges All delivery charges should be to the account of the vendor whenever possible. If not, all delivery charges should be prepaid by vendor and added to the invoice.
- C. Notice of Rejection The nature of any rejections of a shipment, based on apparent deficiencies disclosed by ordinary methods of inspection, will be given by the receiving agency to the vendor and carrier within a reasonable time after delivery of the item, with a copy of this notice to the General Services Enterprise Purchasing. Notice of latent deficiencies which would make items unsatisfactory for the purpose intended may be given by the State of Iowa at any time after acceptance.

Delivery and Acceptance (cont)

- D. Disposition of Rejected item The vendor must remove at the vendor's expense any item rejected by the State. If the vendor fails to remove that rejected item, the State may dispose of the item by offering the same for sale, deduct any accrued expense and remit the balance to the vendor.
- E. Testing After Delivery Laboratory analysis of an item or other means of testing may be required after delivery. In such cases, vendors will be notified in writing that a special test is being made and that payment will be withheld until completion of the testing process.

Title to Goods

The vendor warrants that the goods purchased hereunder are free from all liens, claims or encumbrances.

Indemnification

To the extent that goods are not manufactured in accordance with the State's design, the vendor shall defend, indemnify and hold harmless the State of Iowa, the State's assignees, and other users of the goods from and against any claim of infringement of any Letter Patent, Trade Names, Trademark, Copyright or Trade Secrets by reason of sale or use of any articles purchased hereunder. The State shall promptly notify the vendor of any such claim.

Nondiscrimination

The vendor is subject to and must comply with all federal and state requirements concerning fair employment and will not discriminate between or among them by reason of race, color, religion, sex, national origin or physical handicap.

Warranty

The vendor expressly warrants that all goods supplied shall be merchantable in accordance with the Uniform Commercial Code, Section 2-314 and the Iowa Code, Section 554.2314.

Taxes



STATE OF IOWA MASTER AGREEMENT

Fields of Opportunities

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The State of lowa is exempt from the payment of lowa sales tax, motor vehicle fuel tax and any other lowa tax that may be applied to a specified commodity and/or service. Contractors performing construction activities are required to pay state sales tax on the cost of materials. The lowa Department of Revenue exemption letter will be furnished to a vendor upon request.

Hazardous Material

All packaging, transportation, and handling of hazardous materials shall be in accordance with applicable federal and state regulations including, but not limited to, the Material Safety Data Sheet provision of O.S.H.A. Hazard Communication Standard 29CFR 1910.1200, and Iowa Administrative Code, Chapter 567.

Public Records

The laws of the State of lowa require procurement records to be made public unless exempted by the Code of lowa.

Miscellaneous

The terms and provisions of this contract shall be construed in accordance with the laws of the State of Iowa. Any and all litigation or actions commenced in connection with this contract shall be brought in Des Moines, Iowa, in Polk County District Court for the State of Iowa. If however, jurisdiction is not proper in Polk County District Court, the action shall only be brought in the United States District Court for the Southern District or Iowa, Central Division, providing that jurisdiction is proper in that forum. This provision shall not be construed as waiving any immunity to suit or liability, which may be available to the State of Iowa.

If any provision of this contract is held to be invalid or unenforceable, the remainder shall be valid and enforceable.

Records Retention

The vendor shall maintain books, records, and documents which sufficiently and properly document and calculate all charges billed to the State of lowa throughout the term of this Agreement for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. The vendor shall at, no charge, permit the Auditor of the State of lowa, or any authorized representative of the State (or where federal funds are involved, the Comptroller General of the United States or any other authorized representative of the United States government) to access and examine, audit, excerpt and transcribe any directly pertinent books, documents, papers, electronic or optically stored and created records, or other records of the vendor relating to orders, invoices, or payments documentation or materials pertaining to this Agreement.

Independent Contractor

The vendor is an independent contractor performing services for the State of Iowa, and as such shall not hold itself out as an employee or agent of the State.

Performance Monitoring

For all service contracts, the requirements of lowa Code sections 8.47 shall be incorporated into final terms and conditions of the contract.

Guidelines For Ordering

Ordering:

The printout we send you can be attached to your purchase order and sent back to us. You can add or delete titles on this also. (see sample on reverse side) You would also make any corrections or changes to the address on this too. If title is New, please specify when you want it to start. Also if title is a renewal we would need to be informed. Expiration dates are usually found on your labels.

New Orders:

To make our job easier, specify if school is NEW or if order is in addition to a school already serviced by us, you can use the Condensed Price List/Order Form or order can be typed or handwritten on a separate piece of paper.

Customer Number:

Customer Numbers are found at top of printout or above the address on your invoice. Please include this number when corresponding with us. (see attached sample

Expiration & Start Dates:

The start date shown on your printout is the one we requested when your order was placed. If there was a problem and your expiration was extended, your start date will be different. The expiration date can be found on the mailing label of the magazine. We need to know if this is different from the order we requested. For instance if you were receiving duplicates and your subscription was extended, we won't know this without seeing your label.

Payments & Terms:

All orders are prepaid to the publisher at the time we invoice you. Terms are net 30 days from the date of invoice. We would appreciate knowing how you are going to pay for your order. We can do delayed billing to accommodate some of you, but we would need to know this before processing order. We are now able to accept credit card payments also.

PLEASE KEEP FOR REFERENCE

address will be. CHANGE IF INCORRECT This is where your school

PRINTOUT SAMPLE

YOUR CUSTOMER NUMBER

Use on all correspondence 5 digits - 3 digits

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BOYS LIFE

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> CHILDRENS PLAYMATE/AGES 5--7 CHILDRENS DIGEST/AGES 8-10

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BE SURE TO INCLUDE QUANTITY, START DATE, AND NEW OR RENEWAL INFORMATION.

TOTAL INVOICE AMOUNT Net Titles Discount Discountable Titles

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NATIONAL ORGANIZATION SERVICE & BLACK MAGAZINE AGENCY 4515 Fleur Dr. suite 301

Des Moines, la. 50321

Tel: 800-747-3032 Fax: 515-256-8028 www.nationalorganizationservice.com

Claims Procedures

Dear Client:

It is indeed a pleasure to process your periodical orders. Please allow 30 to 90 days for your subscriptions to begin.

We are enclosing a <u>"Magazine Complaint"</u> form for you to fill out and send to us, should you encounter any problems during the year. Please fill in as many blanks as possible. Most of the information you will need is on your invoice. We recommend you photocopy this form and keep it as your original. You can also go to our website and file claims electronically or contact us via email from our website.

NON-SERVICE, MISSING OR DUPLICATE ISSUES:

If you do not receive service on a particular publication, (not to exceed 3 months) please let us know by either a telephone call to customer service or by filling out the enclosed form. We will notify the publisher with proof of payment.

For missing issues, please exhaust all possibilities, by making sure someone else isn't picking it up, and contacting your local post office. Some publishers are only allowing 30 to 90 days after publication date to claim missing issues.

For duplicate issues, we must have copies of both labels of the most recent issues to send to the publisher. These labels contain code numbers enabling them to combine and extend or adjust expirations.

QUARTERLY P:UBLICATIONS

Give plenty of time before sending a complaint, as these sometimes run behind schedule.

PUBLISHER BILLING:

All orders are prepaid when we send them to the publisher. If you receive a bill from the publisher for a subscription you have already renewed thru us, send the bill to us and we will notify the publisher with proof of payment.

Customer Service Tammy Phillips

P.S. PLEASE ALLOW 6 TO 8 WEEKS FOR A REPLY FROM THE PUBLISHER ON ALL COMPLAINTS.

MAGAZINE COMPLAINT FORM
National Organization Service, Inc. & Black Magazine 4515 Fleur Dr. Suite 301 / Des Moines, la. 50321

Fax 515-256-8028 Ph: 800-747-3032

******Please Fill Out & Return********

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REFUND POLICY

If a magazine is cancelled do to our error the refund/ credit memo is issued immediately, however if it is not our fault then the refund/credit will be issued when the publisher sends us the refund.

We can not guarantee the time frame when waiting for the publisher to send us a refund. Most generally this is with in 90 days of the complaint file date.

Refund checks are issued only when the A/R account is in good standing. Or we will issue a credit memo to the account.

Accounting Department
National Organization Service &
Black Magazine Agency
4515 Fleur Drive Suite 301
Des Moines, IA 50321
515-256-8030



National Organization Service, Inc & Black Magazine Agency

4515 Fleur Drive, Suite 301 Des Moines, Iowa 50321-2369 PH: 515-256-8030 or 800-747-3032 Fax: 515-256-8028

CONDENSED PRICE LIST & ORDER FORM

This folder represents periodicals most commonly ordered by librarians. However, we do have approximately 85,000 domestic & foreign titles available, so if there are any titles that you require not shown in this listing, please print them in on the spaces provided on the final page. These prices are current as of 02/01/06; but, publisher rates are subject to change and, of course, beyond our control.

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